



18 DEC 2002

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In re Application of
KLEINHÄNI, Arno, et al.
Application No.: 10/018,060
PCT No.: PCT/CH01/00207
Int. Filing Date: 02 April 2001
Priority Date: 11 April 2000
Attorney Docket No.: FRR-12782
For: SECURITY REVERSIBLE KEY
AND LOCKING SYSTEM

DECISION ON
PETITION
UNDER 37 CFR 1.47(a)

This decision is in response to applicants' "Request for Reconsideration," filed 17 September 2002.

BACKGROUND

On 02 April 2001, applicants filed international application PCT/CH01/00207. A copy of the international application was transmitted to the United States Patent and Trademark Office from the International Bureau (IB) on 18 October 2001. Accordingly, the thirty-month period to comply with the requirements for entry into the national stage in the United States expired at midnight on 11 December 2001.

On 10 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the requisite basic national fee.

On 26 February 2002, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 02 July 2002, applicants filed a "Petition and Statement Under 37 CFR §1.47," accompanied by, *inter alia*, a declaration executed by one inventor.

On 14 August 2002, the Office mailed a Notification of Defective Reply indicating that inventor Roman Mathieu's around the world trip was considered a vacation and was not an acceptable reason for a petition under 37 CFR 1.47(a).

On 17 September 2002, applicants submitted the instant renewed petition.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2), (3) and (4) have been met. The fee has been paid. Applicants have demonstrated that the nonsigning inventor could not be reached after a diligent effort. Applicants list the last known address of Roman Mathiuet as Kiesweid 17, 8340 Hadlikon, Switzerland. The declaration of the inventors complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. date of 02 July 2002.



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